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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,951	03/25/2004	Frank Tsao	USP2108A-BIC	9809
30265	7590	07/27/2005	EXAMINER	
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			VU, DAVID HUNG	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/810,951

Applicant(s)

TSAO, FRANK

Examiner

David Vu

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-4,6-16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The disclosure is objected to because of the following informalities: page 2, line 31, "even" should be changed to ---event--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport et al (hereinafter Davenport), U.S. Pat. No. 5,526,237 in view of Ertz, U.S. Pat No 4,751,398 .

Davenport discloses a high intensity discharge (HID) lamp, comprising a light reflector 12a-12b; high intensity discharge light 10a disposed within light cavity of light reflector 12a-12b for producing a main light having a predetermined light intensity; and a standby lighting control system, comprising a light sensor in the light guide 14 for detecting light intensity of the HID light within the light cavity; and a standby lamp 10b which is activated by the light sensor between a standby mode and a backup mode,

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wherein at the standby mode, when light intensity of the HID light is reached above a predetermined threshold (i.e., when lamp 10a is ON), the standby lamp 12b is deactivated, and at backup mode, when light intensity of the HID light 12a is dropped below predetermined threshold (i.e., when lamp 10a is OFF), standby lamp 10b is activated for generating a backup light to compensate a loss of light intensity of lamp 10a, see, for example, figure 2, column 4, lines 14+).

Davenport does not explicitly disclose a lamp housing having a receiving chamber. Ertz discloses HID lamp having lamp housing with receiving chamber 14 (figure 1). It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Davenport reference with lamp housing having a receiving chamber; thus, means for receiving the lamps as well as for protecting the light reflectors and the lamps themselves would have been realized.

Davenport does not disclose the light sensor as disposed within the receiving chamber. However, it would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have placed the sensor within the receiving chamber since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 5, photocell is very well known in the lighting art. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have employed photocell in the HID lamp; thus, current could have been supplied to the backup lamp in case the main lamp is turned off.

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Regarding claim 17, figure 2 of the Ertz reference shows rechargeable backup battery 28. Thus, it would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided in the receiving cavity a rechargeable backup battery; thus, continuous current could have been supplied to the backup lamp in case the main lamp is turned off.

### ***Allowable Subject Matter***

3. Claims 2-4,6-16, and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

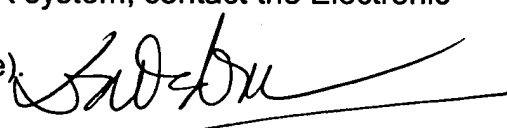
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Vu  
Primary Examiner  
Art Unit 2828

dv